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November 16, 1998

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W. - TW-A-325
Washington, DC 20554

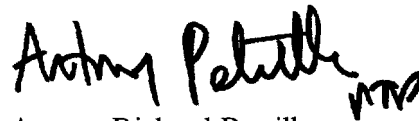
Re: Ex Parte
Original Signature Pages for
Declarations
CC Docket No. 99-295

Dear Ms. Salas:

On November 8, 1999, I filed comments and declarations in CC Docket No. 99-295 on behalf of RCN Telecom Services, Inc. ("RCN"). Attached to that filing were the declarations of DG Gulati, Terry Roberts, and Daniel Visconti. I now enclose these declarations with original signatures.

Please contact the undersigned if you have any questions.

Sincerely,



Antony Richard Petrilla
Counsel for RCN Telecom Services, Inc.

Enclosure

cc: Joseph O. Kahl

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Pg 002

RCN Telecom Services of New York, Inc.
 Bell Atlantic - New York
 New York

Before the
 Federal Communications Commission
 Washington, DC 20554

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In the Matter of

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

Application by New York Telephone)
 Company (d/b/a Bell Atlantic - New York),)
 Bell Atlantic Communications, Inc.,) CC Docket No. 99-295
 NYNEX Long Distance Company,)
 and Bell Atlantic Global Networks, Inc.,)
 for Authorization To Provide In-Region,)
 InterLATA Services in New York)

DECLARATION OF DG GULATI

I, DG Gulati, first being duly sworn, depose and state as follows:

1. I am the Senior Vice President of the Technical Network Development Group for RCN Telecom Services and other RCN affiliates ("RCN"). My business address is 214 Carnegie Center, Princeton, NJ 08540. I have overall responsibility for the planning, development, engineering and subsequent deployment of voice and data services in RCN's different strategic markets. My responsibilities also include the evaluation, development, and testing of new technologies for the Company.
2. RCN has approximately 28,500 customers in New York that it serves by reselling the local service of Bell Atlantic - New York ("BA-NY"). These customers are in addition to the customers that RCN serves over its own network facilities.
3. RCN recently discovered that BA-NY does not process changes of an RCN resale customer's Presubscribed Interexchange Carrier ("PIC") seamlessly. Rather, upon receiving a PIC change request for a certain customer from RCN, BA-NY will disconnect the customer's current PIC but not immediately connect the customer's newly designated PIC. In other words, there is a lag time between disconnection of the old PIC and connection of the new PIC. As a result, customers will pick up the telephone, dial a long distance telephone number, and unexpectedly receive a message stating that they lack a PIC and must call their local service provider to designate one. At that point, they become exceptionally irate.

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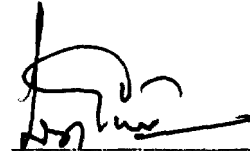
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Pg 003

RCN Telecom Services of New York, Inc.
Bell Atlantic - New York
New York

4. I can assure you that BA-NY's retail customers do not experience such delays in connecting a new PIC. Accordingly, RCN's customers who experience these delays typically blame RCN for failing to take the necessary steps to ensure that the PIC change proceeds smoothly. Yet, short of filing a complaint against BA-NY, there is little that RCN can do to correct the problem.
5. This concludes my declaration.

Pursuant to 47 C.F.R. § 1.16, I declare under penalty of perjury that the foregoing is true and correct. Executed on: November 8, 1999.



DG Gulati

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of

Application by New York Telephone)	
Company (d/b/a Bell Atlantic - New York),)	
Bell Atlantic Communications, Inc.,)	CC Docket No. 99-295
NYNEX Long Distance Company,)	
and Bell Atlantic Global Networks, Inc.,)	
for Authorization To Provide In-Region,)	
InterLATA Services in New York)	

DECLARATION OF TERRY ROBERTS

I, Terry Roberts, state as follows:

1. I am employed by RCN Telecom Services of New York, Inc. ("RCN") as the Director of Network Operations.
2. I am submitting this declaration on behalf of RCN to bring to the Commission's attention the various instances in which Bell Atlantic-New York ("Bell Atlantic") has caused RCN's customers, served over unbundled local transport, to be without service for extended periods of time.
3. As the Commission is aware, RCN is a facilities-based carrier serving mostly residential customers in New York City. While RCN serves most customers almost entirely over its own network, it does purchase unbundled loop transport combinations from Bell Atlantic and use those facilities to connect various outlying customers to its switch. There have been a number of service outages with these unbundled local transport arrangements. Unfortunately, Bell Atlantic has not addressed the trouble tickets that RCN filed with regard thereto in a responsive and timely manner.

4. First, Bell Atlantic has not responded to RCN's trouble tickets regarding out of service unbundled local transport in a timely manner. On many occasions, RCN customers have experienced loss of service, including 911 service, for twelve to twenty-four hour periods — although in some cases the outages have been even longer. The cause of these outages appears to be Bell Atlantic's failure to dispatch a technician within a reasonable interval. At other times, it appears that Bell Atlantic dispatches a technician, but that individual closes the trouble ticket without actually restoring the customer's service. In such cases, the RCN customer goes without service for extended periods of time while RCN generates a new trouble ticket, thus elongating the repair process.

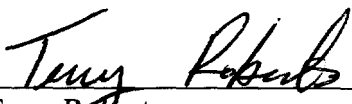
5. The Appendix (attached hereto) provides an analysis of trouble tickets generated for RCN customers who have experienced extended service outages or degradation of service between January and November of this year. This analysis shows that outage repairs take longer than a day in a large percentage of cases. However, RCN lacks complete records. Bell Atlantic arbitrarily cancels tickets or reissues new tickets without providing RCN any notice. As a result, the data in Appendix A may not properly reflect the time a particular repair may take according to Bell Atlantic records.

6. Bell Atlantic's failure to address and resolve trouble tickets in a timely manner gives RCN's customers a poor impression of its service quality. Consequently, RCN loses existing and potential customers due to circumstances that are wholly within the control of Bell Atlantic.

7. This concludes my declaration.

RCN Telecom Services of New York, Inc.
Bell Atlantic - New York
New York

*Pursuant to 47 C.F.R. § 1.16, I declare under penalty of perjury that the foregoing is true
and correct. Executed on: November 8, 1999.*



Terry Roberts

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of

Application by New York Telephone)	
Company (d/b/a Bell Atlantic - New York),)	
Bell Atlantic Communications, Inc.,)	CC Docket No. 99-295
NYNEX Long Distance Company,)	
and Bell Atlantic Global Networks, Inc.,)	
for Authorization To Provide In-Region,)	
InterLATA Services in New York)	

DECLARATION OF DANIEL R. VISCONTI

I, Daniel R. Visconti, first being duly sworn, depose and state as follows:

1. I am Director of Engineering and Construction for RCN Telecom Services, Inc. ("RCN"). My business address is 560 Washington Street, New York, NY 10014. My responsibilities include overseeing the construction of RCN's network in New York City and the provision of network services to individual buildings. As a result, I have considerable experience dealing with issues related to access to conduits.
2. The purpose of my declaration is to respond to statements made in the Evaluation of the New York Public Service Commission ("NYPSC") (dated October 19, 1999) concerning RCN's difficulties obtaining conduit in a timely manner from Bell Atlantic - New York ("Bell Atlantic") and its wholly-owned subsidiary Empire City Subway ("ECS"), which manages conduit in Manhattan and the Bronx.
3. By way of background, RCN has complained of ECS's poor performance in providing access to conduit in a number of filings made with the New York Commission in its case evaluating Bell Atlantic's Section 271 application. Attached to RCN's Reply Comments in this case (as Exhibit [INSERT]) is the affidavit that Timothy Wyllie of RCN that was filed with the New York Commission in April of this year. That affidavit states (at ¶ 7) that ECS's average interval for excavating new conduit pursuant to an RCN order was 133 days. Despite Bell Atlantic's claim that ECS has increased its workforce by 40%, that interval has not improved materially since Mr. Wyllie filed his affidavit with the NYPSC last April. See Troy/Lacouture Declaration, ¶ 139.

4. Bell Atlantic asserts that difficulties obtaining conduit are ameliorated by its offer to allow CLECs to excavate conduit own using approved contractors. Troy/Lacouture Declaration, ¶ 150. The NYPSC relies upon Bell Atlantic's declarations, filed with its application in this case, to close the conduit issue. NYPSC Evaluation, at 75.
5. Bell Atlantic's statements are only half correct. Bell Atlantic will permit RCN to excavate conduit in Queens and Brooklyn using Bell Atlantic-approved contractors. However, ECS will not permit RCN to do likewise in Manhattan and the Bronx. In fact, as recently as two weeks ago, ECS turned down my request for permission to excavate conduit under such an arrangement. At that time, I informed ECS's Construction Manager of Bell Atlantic's statement that RCN may perform such excavations and he told me that Bell Atlantic has *no* authority to say what RCN can and cannot do with ECS conduit runs.
6. It is important to understand how lengthy delays in receiving access to new conduit runs hurts RCN's business. We are soliciting customers all over New York City, including in areas that RCN presently does not serve. Customers that are located in new areas of the city that RCN plans to serve want us to commit to being able to offer service at a specific point in the future. We cannot do that without knowing when we will receive conduit runs from ECS, which are essential to expanding the RCN footprint. Customers are unwilling to wait for us without having some idea as to our projected in-service date. Frankly, I do not blame them.
7. For RCN to be successful in New York, it needs ECS: (1) to allow RCN to excavate conduit runs itself using ECS-approved contractors; and (2) to commit to providing RCN, at time that RCN requests the excavation of new conduit runs, with specific and reliable completion dates.
8. As one might imagine, managing the labyrinth of conduit in Manhattan and the Bronx is no simple task. Nevertheless, there are steps that ECS could take to make conduit more readily available to CLECs such as RCN. First, ECS, in coordination with Bell Atlantic, should remove the "dead" cable that clogs various conduit all over Manhattan and the Bronx. What I mean by "dead" cable is cable that Bell Atlantic once used, but has since decommissioned for one reason or another.⁶ During the process of requesting conduit, it is possible to remove dead cable, but only on a piecemeal basis. If Bell Atlantic and ECS removed dead cable proactively, there would be many newly-available conduit runs for CLECs to use. By not removing dead cable, Bell Atlantic effectively reserves conduit

⁶ Reasons to decommission cable include: (1) the cable is obsolete; (2) the cable is no longer a productive asset because the cost of maintenance has become excessive; and (3) the cable no longer functions in a reliable manner.

RCN Telecom Services of New York, Inc.
Bell Atlantic - New York
New York

runs for its own use in the future. Thus, Bell Atlantic enjoys a de facto right of reservation, that is unavailable to CLECs, because it has been the monopoly local service provider since the inception of local telephone service.

9. The second step ECS could take to make conduit more readily available would be to excavate conduit runs proactively in advance of the paving schedule in Manhattan and the Bronx. Currently, there is a five-year moratorium on excavating conduit running under newly paved streets. Unless a CLEC requests that ECS excavate such a conduit run before the paving takes place, CLECs seeking new conduit after that point are effectively shut out for five years. However, ECS could, on its own initiative, solicit CLECs to purchase conduit runs under streets that are scheduled to be paved.² In addition, ECS could perform some excavations without having purchasers already identified. Such conduit runs would be an investment for ECS, one that likely would be profitable for two reasons. First, the rate of network building in New York City is increasing and, second, it is less expensive for ECS to excavate conduit under streets that are about to be re-paved.
10. This concludes my declaration.

Pursuant to 47 C.F.R. § 1.16, I declare under penalty of perjury that the foregoing is true and correct. Executed on: November 8, 1999.

 11-8-99
Daniel R. Visconti

² Since the city governments publish the paving schedule three years in advance, there is ample time for ECS to locate potential purchasers.

CERTIFICATE OF SERVICE

I, Candise M. Pharr, hereby certify that on November 16, 1999 I served a copy of the foregoing *Declarations of DG Gulati, Terry Roberts and Daniel Visconti* of Docket Number 99-295 on the following parties by first-class mail.

A handwritten signature in cursive script, reading "Candise M. Pharr", written over a horizontal line.

Candise M. Pharr

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